

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-20110-CR-GAYLES/GOODMAN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLEMENTA JOHNSON, *et. al.*,

Defendant(s).

DEFENDANTS' SECOND JOINT AND UNOPPOSED
MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, Clementa Johnson ("Johnson"), by and through undersigned counsel, pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, and Rule 7.1 of the Local Rules of the Southern District of Florida, who moves this Honorable Court to grant his second joint and unopposed motion to continue the trial date which is currently scheduled for December 2, 2024. In support of the motion, the Defendant states:

1. Johnson is charged by superseding indictment with one count (count 1) of conspiracy to commit murder for hire, a violation of Title 18 U.S.C. 1958, which carries a maximum punishment of life, one count (count 13) with substantive murder for hire, a violation of Title 18 U.S.C. 1958, which carries a maximum punishment of life, one count (count 14) of stalking, a violation of Title 18 U.S.C. 2261(A), which carries a maximum punishment of 10 years, one count (count 15) of possession of a firearm and ammunition by a convicted felon, a violation of Title 18 U.S.C. 924(c)(1)(A)(ii), which carries a maximum punishment of 20 years, and one count (count 16) of brandishing a firearm in furtherance of a crime of violence, a violation of Title 18 U.S.C. 924(c)(1)(A)(ii), which carries a maximum punishment of life.

2. Johnson's arraignment occurred on August 2, 2024. He entered a plea of not

guilty, requested a trial by jury, and asked that the Magistrate Judge enter the standing discovery order.

3. This Honorable Court has set a Callendar Call date for Defendants Bayron Bennett, Jerren Howard, Edner Etienne Michael Jose Dulfo, Fausto Villar, Avery Bivins, Clementa Johnson, Vernon Green, and Diori Barnard for, Wednesday, November 27, 2024, and a trial date for all defendants on Monday, December 2, 2024.

4. The Government provided their first response to the standing discovery order on August 16, 2024. The Government additionally produced multi-terabyte hard-drives for all defense counsels in mid-September 2024.

5. The discovery in the instant case as to all defendants is voluminous, and defense counsels need additional time to review the discovery to be adequately prepared for trial. Downloading and then accessing the different mediums of media and data (videos, photographs, native-form documents, etc...) is time consuming. Given the sheer volume of materials, all counsels are requesting additional time to continue working through the large amount of provided data.

6. To be adequately prepared for trial, Johnson and the co-defendants are jointly and respectfully seeking a 90-day delay of the presently scheduled trial period.

7. After consulting with Johnson, the undersigned affirms that he waives his right to a speedy trial, and Johnson submits that the interests of justice served by a continuance outweigh the interests of the public and the Defendant to a speedy trial. He further submits and acknowledges that the period of the delay resulting from the date this motion continuance is filed up until the trial date is excludable time under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161 (h)(7).

8. The undersigned has conferred with Attorneys Dennis Gonzalez, Jr. (counsel for Defendant Bayron Bennett), Saam Zangeneh (counsel for Defendant Fausto Villar), Humberto Dominguez (counsel for Defendant Avery Bivins), Paul Donnelly (counsel for Defendant Michael

Jose Dulfo), Richard Serafini (counsel for Defendant Vernon Green), Danise Ponton (counsel for Defendant Diori Barnard), Kate Taylor (counsel for Defendant Jerren Keith Howard), and Robyn Blake (counsel for Defendant Edner Etienne), all of whom represented that they are unopposed to and join in this motion to continue.

9. Undersigned counsel also conferred with Assistant United States Attorney, Abbie Waxman about the instant motion on November 19, 2024, and learned that the Government does not object to the requested relief.

10. This motion is filed in absolute good faith and not for purposes of trivial delay nor to simply frustrate the prosecution of this matter.

11. A proposed Order is also filed with this motion.

WHEREFORE, Defendant Johnson and his co-defendants, through their respective counsel, respectfully request that this Honorable Court grant the instant motion and continue the presently scheduled trial date and calendar call.

Respectfully submitted,

JORDAN M. LEWIN, P.A.

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By: /s/ Jordan M. Lewin

Jordan M. Lewin

Fla. Bar No.: 344450

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November 2024, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send a notice of the electronic filing and a copy to all parties of record in this cause.

By: /s/ Jordan M. Lewin
Jordan M. Lewin
Fla. Bar No.: 344450

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_____ /

**ORDER GRANTING SECOND UNOPPOSED AND JOINT MOTION TO
CONTINUE TRIAL**

This matter having come before the Court on Defendants' Second Unopposed and Joint Motion for Trial Continuance. After due consideration, it is:

ORDERED AND ADJUDGED that this case is hereby continued to the two-week trial calendar commencing _____ at 9:00 A.M., or as soon thereafter as the case may be called.

ALL COUNSEL shall report to the Calendar Call to be held on _____. It being further ORDERED that the period from the date of this order to the time of trial shall be deemed excludable in computing the time within which the trial of this case must commence pursuant to Title 18, U.S.C., Section 3161(h)(7), and this Court finds that the ends of justice served by continuing the trial outweigh the best interest of the public and the Defendants in a speedy trial.

DONE AND ORDERED this _____ day of November 2024 in Miami, Florida.

HONORABLE DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE